

**MINUTES
JOINT MEETING OF
LANCASTER, DOUGLAS & SARPY COUNTIES
THURSDAY, NOVEMBER 18, 1999 - 8:30 A.M.
COUNTY-CITY BUILDING - ROOM 113**

Commissioners Present: Kathy Campbell, Chair
Bernie Heier
Larry Hudkins
Linda Steinman
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Kroeker, Budget & Fiscal Director
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Gary Lacey, County Attorney
Dave Johnson, Deputy County Attorney
Gordon Kissel, Legislative Consultant
Michael Overton, Nebraska Crime Commission
Cori Beattie, County Board Secretary

From Douglas County: Carol Pirsch, County Commissioner
Clare Duda, County Commissioner
Carole Woods Harris, County Commissioner
Mary Ann Borgeson, County Commissioner
Kathleen Kelley, Chief Administrative Officer
Jim Jansen, County Attorney
Steve Walker, Budget Officer
Patrick Bloomingdale, Administration
Kathleen Hall, Administration

From Sarpy County: Don Knott, County Commissioner
Jack Postlewait, County Commissioner
Deb Houghtaling, County Clerk
Fred Uhe, Deputy County Clerk/Lobbyist
Mark Wayne, Administration
Wendy Henning, Administration

ADDITIONS TO AGENDA

There were no additions to the agenda.

A welcoming reception/breakfast was held from approximately 8:30 to 9:00 a.m.

CASE MANAGEMENT SYSTEM

Lacey noted that over a year ago, the Lancaster and Douglas County Attorney's and Public Defender's met with the Nebraska Crime Commission regarding the formation of a prosecution and public defender case management and computer system. He said Jim Jansen, Douglas County Attorney, was instrumental in obtaining a grant out of which derived a survey distributed to County Attorney's asking for feedback regarding their offices and how business could be operated more efficiently. To no surprise, the most profound outcome of the survey was that computer systems were in dire need of upgrading.

In conjunction with this new found information, Lacey stated that LB 1041 was passed a few years ago which empowered the State and Prosecutors to terminate parental rights under law much sooner than in the past. This legislation immediately indicated that county departments did not have adequate access to pertinent information and could not necessarily rely on the State to identify cases that need to be terminated quickly in accordance with the law. Lacey stated that there is a lot of information which needs to be organized in order for counties to better manage caseloads. He added that now may be the time for the three largest jurisdictions in the State to identify that a problem exists, to set parameters and to jointly move forward to find solutions to this problem. It was noted that improving the caseload management system will also aid departments tremendously at budget time. Also, as Federal funds continue to trickle in from Washington, D.C., better information will be crucial in the grant application process.

Overton, Crime Commission Computer Specialist, distributed a handout regarding the Criminal Justice Information Systems (CJIS) Advisory Committee (copy on file). The CJIS Advisory Committee has been active since 1995 and consists of about twenty-five agencies. The purpose of CJIS is:

1. To promote the sharing and availability of data across agencies;
2. To implement programs and systems to assist State and Local agencies in the performance of their jobs;
3. To provide a forum for issues;
4. To develop and disseminate standards; and
5. To leverage and share funding from multiple sources for diverse projects.

There is also the aspect of simply providing better access to data and to draw toward an integrated criminal justice information system.

Overton mentioned that a number of projects are currently being facilitated by CJIS at no cost to the local jurisdictions. These projects include a statewide protection order registry, CJIS Server and Automated Victim Notification (VINE). He added that the Crime Commission would like to work with Lancaster, Douglas and Sarpy Counties to meet local needs, as well as the broader picture of being able to integrate statewide. It was noted that even though smaller counties may have different needs, if Lancaster, Douglas and Sarpy Counties can come up with a project, process and funding mechanism to meet the needs of their agencies, the effect will show up all across the State.

Kelley commented that she received information in the mail regarding funding from the National Institute of Justice to do exactly what was just outlined. Supposedly another funding cycle is coming up in December. Overton said a grant application will probably be submitted.

Jansen said he supports Lacey's comments about the importance of this project. Tom Riley, Douglas County Public Defender, indicated to Jansen that he is also supportive. A natural link would seemingly be to have the Crime Commission help facilitate the project.

Lacey inquired whether or not this project has the support of the Lancaster, Douglas and Sarpy County Commissioners. He would ultimately like to see a resolution stating support for the effort, defining the problem, and permission to move forward by efforts through the Crime Commission to obtain federal dollars to support funding and planning. Campbell asked the Douglas and Lancaster County Attorney's, with input from the Sarpy County Attorney, to draft a resolution with similar language for adoption by each County Board. Those in attendance concurred with Campbell's direction.

LEGISLATIVE ISSUES

Juvenile Boarding Contracts

(Lancaster County Boarding Contract handout on file.)

Kelley commented that she asked Eagan to have the Lancaster County Attorney's Office review the State Supreme Court ruling on Jeremy T. vs. State of Nebraska which stated that the State should pay for rehabilitation of juveniles placed in State custody. She added that Douglas County currently owes Youth Services International (YSI) \$370,000 for 1996-1998. These bills have gone unpaid due to the aforementioned State Supreme Court decision. The Douglas County Juvenile Court Administrator contacted the State about the court case. While the State agreed to pay \$178,000 of the bill, YSI is now threatening to sue Douglas County. Douglas County Judges feel the State should pay the entire amount, though, the Douglas County Attorney did not really indicate a directive.

In his opinion, Kissel said the tactic should not change - keep pushing LB652 and LB610, keeping in mind that there is now a State Supreme Court ruling. Even if the State offers a counter-bill to change the language to their advantage, counties must continue to show strong support. Steinman said an issue raised during the Juvenile Justice Task Force meetings was the State not having control over what judges decide on particular issues. There was discussion about the restrictive language in the legislation dealing with the State paying for services. A compromise may be addressed so that as long as there is not an open-ended financial responsibility, the State may be more receptive to paying a certain amount of the juvenile bills.

Eagan said there was a 50/50 deal at one point which Lancaster County did not like because in ten years, costs would be right back where they are today. A dollar amount cap may be the best option.

Kelley noted another problem to be that most in the Douglas County Juvenile Facility are post-adjudicated and the County is picking up the cost when, technically, it is only responsible for pre-adjudication costs.

Kroeker said Lancaster County started billing the State last year and has actually received some money back (about 25%). Campbell said a copy of the *Jeremy T. vs. State of Nebraska* case was forwarded to the Lancaster County Attorney, though, a legal opinion was not requested.

Eagan stated that this juvenile was a ward of the State which would make a big difference. He also had simultaneous criminal charges pending. Kelley said the Douglas County Judges feel that once a juvenile is placed with the State for rehabilitation, then the State should pay and that placing juveniles under probation equates placing them with the Department of Health and Human Services (HHS).

Johnson said the Lancaster County Attention Center asked for a legal opinion regarding the situation where a pre-adjudicated juvenile is ordered by a judge to go to a treatment center. Lancaster County went before the Juvenile Court Judge and indicated that the State should pay for the period of time the juvenile is sitting in the County facility waiting for the State to pick up, evaluate and return he/she to the Attention Center. The Judge is still reviewing the issue. Johnson feels the Lancaster County Judges believe the State should pay for these costs, although, the Judge doesn't know if he/she is the one who can make that determination. There were at least 60-70 cases out at the time of the State Supreme Court decision and the County continues to bill the State for these charges. Once the Judge indicates to the State that they must pay the County, all cases will be run through that Judge and then all remaining Juvenile Court Judges.

Eagan said he agrees with Kissel - that we should continue to move forward and try to get the language changed. Campbell inquired whether or not Lancaster, Douglas and Sarpy Counties should meet with Senator Thompson to review the State Supreme Court case and to prepare for the upcoming session.

Kissel said he could approach Senator Brashear, Chair of the Judiciary Committee, to see how to proceed.

Pirsch said since the bill is so convoluted, perhaps it should be redone. Kissel indicated that the pending amendments to LB652 contribute to convolutedness. Campbell noted that the consensus is to pursue meetings with Senators Thompson and Brashear. She asked Kissel to coordinate these meetings with a follow-up before Christmas.

Hudkins questioned whether or not Sarpy County is affected by the same problem. Uhe said Sarpy County is also suffering the cost but on the pre-adjudicated side. Sarpy County is concerned about becoming a treatment center for juveniles with drug problems when the State should be held responsible. Sarpy County recently lost a \$350,000 appropriation for a drug court and is now waiting to see where future monies may come from to move forward with that project.

Other Legislative Priorities

Douglas County indicated their County Treasurer supports monthly tax payments.

In reference to inpatient mental health, Borgeson said Douglas County is very concerned over the loss of 200 mental health beds during the last decade. Steinman said while Lancaster County has no County Hospital, it does operate a Community Mental Health Center (CMHC) where patients are reviewed by a mental health board which determines how the patients are to be treated. When patients are assigned to the Regional Center, the County is often told that there are no beds available. This forces the County to hold on to patients in the CMHC where they remain untreated and utilize space for others in crisis. Lincoln hospitals will not take patients who are deemed dangerous to themselves or others.

Steinman indicated that she will be attending a hearing today regarding LB708. Eagan said this bill's most important component would be moving "persons committed by County Mental Health Boards" to the number one priority for admission to the State facility, thus, helping to free up beds in the CMHC. It was noted that the CMHC is a short-term facility and is not licensed for long-term care. Therefore, when the State Regional Center is unable to admit patients from the County, they remain in the CMHC for extended periods of time without treatment which poses a liability in Lancaster County. Eagan added that an inventory of resources was requested from the State some time ago but has yet to appear. Uhe stated that while this issue has not had a tremendous impact on Sarpy County, support of LB708 is warranted.

Kelley said she has some concerns about the Karen Chinn Report stemming from the Nebraska Association of County Officials (NACO) as it seems to support the smaller counties and may place additional burden on Douglas, Lancaster and Sarpy Counties by broadening their responsibilities. Wayne said the process was really distressing as most people did not see a copy of the report until the NACO Conference. Kelley indicated NACO's Legislative Committee would be supporting legislation written to implement the NACO study. She was told counties would not know the language of that legislation until the holidays - maybe even January 1. Campbell suggested that Hudkins and Pirsch meet with Jack Mills, NACO Executive Director, regarding the NACO priorities list and asked them to keep the three County Lobbyists apprized.

Borgeson commented that there was talk about changing the statute regarding State Correctional Officers being assaulted by inmates so that the County Attorney may immediately charge the inmate. Douglas County Correctional Officers would like to be included. Evidently, changing the entire statute would allow for a quicker response. Campbell asked that Douglas County send a copy of anything introduced to Lancaster County.

Uhe said Sarpy County would like the right to expand their use of lodging tax dollars - similar to the language of Douglas County. He also mentioned the 911 cellular surcharge and TERC issues.

Eagan said Lancaster County is very interested in LB496 which was passed last year and severely restricts municipalities to collect fees for use of rights-of-way by telecommunications companies. The purpose of the bill was to put the new companies on the same footing as other public utilities - electricity, water and gas. The problem with LB496 is it goes way overboard on restricting the ability for municipalities to collect revenues. Counties are incurring a lot of costs when companies go in and tear up roads. Costs can be collected on a one-time basis at the beginning of the project. If the road has to be re-graveled or other repair work is required, the cost to the counties is unrecoverable. Counties are also restricted from collecting in-kind services. Some occupation taxes can be collected, though, counties only have authority to do this under certain circumstances. Eagan added that LB496 is too narrowly written, often using the term "municipalities" which does not include counties in its definition. There is a strong chance that legislation will be introduced this year to try to get counties included. Lancaster County, in conjunction with the City of Lincoln, is preparing a master telecommunications ordinance in preparation of forthcoming legislation.

Johnson commented that LB496 is a double-edged sword because while it currently does not apply to counties, counties are definitely becoming an afterthought. In preparing now, the future of County roads will be far better off. Campbell added that LB496 could definitely have a long-term impact on counties. She encouraged Douglas and Sarpy Counties to discuss this bill with their respective County Engineers and Surveyors.

Kissel said the inheritance tax bill is still in Committee. An interim study was done but there was no further discussion. Legal Counsel for the Revenue Committee told Kissel that this item was on the back burner as it has not been pursued very diligently. Uhe added that Senator Hartnett's staff informed him that they are committed to not hurting the counties with this legislation.

Steinman indicated that there is a concern in Lancaster County with overcrowding in the jail due to people being allowed to sit out fines. Mike Thurber, Lancaster County Corrections Director, has asked the State to review alternatives.

Pirsch said the TERC Board has done away with the regulation which would allow appeals to go before the Board of Equalization. Uhe said Sarpy County has a greenbelt issue which deals with the impact of zoning - Agricultural to Light Industrial. Campbell said Senator Raikes carried a bill years ago which would allow agricultural zoning to continue and retain the greenbelt even if the City annexed the land. It is done under the easements provision. Uhe clarified that this land is not in the city but is zoned for uses other than agricultural. For additional information, it was suggested to contact Senator Raikes office or Mike DeKalb in the City of Lincoln-Lancaster County Planning Department.

Kissel indicated that Senator Beutler will be declaring LB414, moving District Court Clerk's from counties to the State, as his priority bill. This move would include all District Court employees. It was noted that Lancaster County supports the legislation. The transfer of benefits, such as pension plans, has been done in the past and is usually just a matter of contract. Campbell noted it would be similar to when the State took over the welfare program. Borgeson noted that the Douglas County District Court Clerk is opposed to the legislation, as is the Lancaster County District Court Clerk. While Douglas County Commissioners did not offer a position, Borgeson said the Board would generally go along with what the District Court Clerk supports.

GEOGRAPHIC INFORMATION SYSTEMS (GIS)

County Assessor employees, Erik Hubl and Scott Richert, gave group tours of Lancaster County's GIS office.

TOUR OF HALL OF JUSTICE & LAW ENFORCEMENT CENTER

Jim Hille, Architect, and Steve Flanders, Project Manager, gave group tours of the new Hall of Justice & Law Enforcement Center.

There being no further business, the meeting ended at approximately noon.